

ENTERED

December 10, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SUNIVERSE, LLC,

Plaintiff,

VS.

ENCORE CREDIT CORP; dba ECC CREDIT
CORPORATION OF TEXAS, *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-2331

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Defendants' Motion for Total Summary Judgment (Doc. No. 22); Plaintiff's Response (Doc. No. 25); Defendants' Reply (Doc. No. 27); Plaintiff's Motion for Partial Summary Judgment on the Statute of Limitations (Doc. No. 28); Defendants' Response (Doc. No. 31); Plaintiff's Reply (Doc. No. 32); Judge Stacy's Memorandum and Recommendation (Doc. No. 37); Defendants' Objections (Doc. No. 38) and Plaintiff's Objections (Doc. No. 39) to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusion that the four-year statute of limitations did not, and has not, expired, and that there is no genuine issue of material fact that would preclude summary judgment for Defendants on Plaintiff's declaratory judgment and quiet title claims, but that there is sufficient summary judgment evidence to support Plaintiff's equitable redemption claim.. Accordingly, it is hereby

ORDERED that the objections of Defendant (Doc. No. 38) and the objections of Plaintiff (Doc. No. 39) are **OVERRULED**; the Memorandum and Recommendation (Doc. No.

37) is **ADOPTED**; Plaintiff's Motion for Partial Summary Judgment (Doc. No. 28) is **DENIED**; and Defendants' Motion for Total Summary Judgment (Doc. No. 22) is **GRANTED in PART** and **DENIED in PART** with summary judgment granted in Defendants' favor on Plaintiff's declaratory judgment and quiet title claims, and denied on Plaintiff's equitable redemption claim.

SIGNED at Houston, Texas, this 9th day of December 2020.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE